

26221. Adulteration of chewing gum and confectionery. U. S. v. 5 Cartons of Chewing Gum and 10 Cartons of Square Sugar Wafers. Default decree of condemnation and destruction. (F. & D. no. 37528. Sample nos. 61249-B, 61250-B.)

This case involved an interstate shipment of a quantity of chewing gum and a quantity of an article, labeled as "Square Sugar Wafers", that had been polluted by flood water.

On April 1, 1936, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 5 cartons of chewing gum and 10 cartons of an article, labeled "Square Sugar Wafers", at Cedar Hill, North Haven, Conn., alleging that the articles had been shipped in interstate commerce on or about March 30, 1936, by B. O. Fohill from Chicago, Ill., and that they were adulterated in violation of the Food and Drugs Act.

The articles were alleged to be adulterated in that they consisted in whole or in part of filthy, decomposed, and putrid vegetable substances, by reason of having been polluted by flood water.

On May 4, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

26222. Adulteration and misbranding of assorted preserves. U. S. v. 13 Cases of Assorted Preserves. Decree ordering release of product under bond to be relabeled. (F. & D. no. 37533. Sample nos. 49254-B, 49256-B, 49258-B, 49259-B.)

This case involved assorted preserves that contained less fruit and more sugar than standard preserves. The products contained added pectin and certain lots also contained added acid.

On April 6, 1936, the United States attorney for the Northern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13 cases of assorted preserves at Tulsa, Okla., alleging that the articles had been shipped in interstate commerce on or about September 13, 1935, by the Goodwin Preserving Co., from Louisville, Ky., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Goodwin's * * * Pure Peach Preserves [or "Pure Damson Plum Preserves", or "Pure Black Raspberry Preserves", or "Pure Blackberry Preserves"] Goodwin Preserving Co., Incorporated, Louisville, Ky."

The articles were alleged to be adulterated in that sugar and pectin in the case of the damson plum preserves; and sugar, pectin, and acid in the case of the peach, black raspberry, and blackberry preserves, had been mixed and packed with the articles so as to reduce or lower their quality; in that the articles had been mixed in a manner whereby inferiority had been concealed; and in that mixtures of fruit, sugar, and pectin—the peach, black raspberry, and blackberry also containing added acid—containing less fruit and more sugar than preserves should contain had been substituted for preserves, which the articles purported to be.

The articles were alleged to be misbranded in that the statements on the label, "Pure Damson Plum Preserves", "Pure Peach Preserves", and "Pure Black Raspberry Preserves" or "Pure Blackberry Preserves", were false and misleading and tended to deceive and mislead the purchaser when applied to products resembling preserves but which contained less fruit than preserves—the deficiency in fruit being concealed by the addition of pectin and excess sugar; and in the case of the peach, black raspberry, and raspberry preserves, also by added acid. The articles were alleged to be misbranded further in that they were imitations of and were offered for sale under the distinctive names of other articles.

On June 4, 1936, N. E. Proctor, having appeared as claimant and the court having found the allegations of the libel to be true, a decree was entered ordering that the products be released under bond to be relabeled under supervision of this Department.

HARRY L. BROWN, *Acting Secretary of Agriculture.*